

A

REVIEW

OF THE

Affairs of *FRANCE*:

Purg'd from the Errors and Partiality of *News Writers*
and *Petty-Statefmen*, of all Sides.

Saturday, May 20. 1704.

Our last Paper observ'd, that in this Evil of Duelling, as in most other Cases, several Essays were made as a Remedy before it was brought to Perfection. *Lewis XIII.* made as severe Edicts against it, as any body could expect, having every day some Broil or other among his Nobility; and Cardinal *Richlieu* claims the Honour of making the first Edict of this Nature.

But there were two Deficiencies in all they Attempted upon that Head, which the Present King of *France* effectually supplied.

First, Tho' the Edict was severe enough, the King suffered himself to be prevailed with, by Intercession, to remit the Execution of the Sentence, till he came to be Insulted in his very Pallace Royal, and have Murthers committed, and Duels fought under the very Windows of his Bed-Chamber.

This serv'd to convince the World, that this Evil was too predominant to be Cured with Common Application; that something out of the Ordinary way of Justice, must be done to suppress so uncommon a Mischief.

The second Deficiency was the not providing an Equivalent Satisfaction to the

Nicer part of the Gentry, in Points of Honour; and this has also been effectually provided against, as will appear in the Sequel of this Paper. I shall assert nothing of this Nature, without giving Examples, as to Fact: The first Story I find in the time of *Lewis XIII.* after the last Edict against Duelling, which he thought was very severe, was in the Marquis *De Praslin*, Son to the Marechal of that Name, who Challeng'd, Fought with, and Wounded the Baron *de Bar*.

His Sentence was immediately Sign'd by the King; he was depriv'd of his Place of Lieutenant General, and Banish'd the Court for seven Years; but after as many Months, was Restored to all again, by the Powerful Intercession of the Marechal his Father.

But I shall finish this Article with the Famous Story of Monsieur *Bouteville*; than which none ever made more noise in the time when 'twas done.

The *Sieur de Bouteville* was a Man of known Bravery, but intollerably Quarrelsome, and grew so the Common Bully of the Court, that no Man could challenge the Character of a Man of Courage, but it would be ask'd if he had fought *Bouteville*.

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The King had no sooner publish'd his Edict against Duelling, but as if it had been contriv'd on purpose to Affront his Majesty, he Challeng'd Monsieur de Thorigny, and kill'd him; he was oblig'd to Retreat upon this, but so far from flying the Kingdom, or Suing for Pardon, that the next Year he fought with *la Berté*, and one of the Seconds was kill'd there, but *la Berté* a Brave Stout Fellow, and a rare Sword-man, came off with the Advantage of him.

For these two Actions he was oblig'd to flee to *Flanders*, which was then under the Government of the Arch-Dutchess of *Austria*, who receiv'd him with great Courtesy, but made him give her his promise, that he would not fight with any Man in the Limits of her Government. Upon the Powerful Intercession of this Princess, the King was prevail'd upon to Pardon him, and he had Liberty to return to *France*, but not to Court.

Bouteville, who knew not how to govern himself either in good or bad Circumstances, accepts the Pardon, and returns to *France*, but was so far from submitting patiently to the small severity of Absenting himself from Court, that he openly Vow'd he would not only come there, but would fight there on the first occasion, within the very *Palace-Royal*.

As he took the freedom to talk this Publickly, it came to the King's Ear, who tho' he took no notice of the Words, must of necessity be provok'd, and prepar'd to resent the Action.

However, it seems *Bouteville* was resolv'd to be as good as his word, and accordingly having an old Quarrel with the Marquis de *Beuuron* *Bussy*, he sent him word he was come from *Flanders* on purpose to give him Satisfaction; the Marquis as Brave as himself had been so eager to fight him, that he had follow'd him into *Flanders*; but *Beuuron* being Engag'd in Honour to the Arch-Dutchess, not to fight while he was in her Court, he could not Answer him there, but now resolv'd to meet him; and Accordingly they nam'd the spot, *fatally enough for them both*, in the *Palace-Royal*; they met three against three, *Bouteville*, *des Chapelles*, and *la Berté*, against *Beuuron*, *D'Amboise*, and *Bonquetse* — *D'Am-*

boise was kill'd out-right by *des Chapelles*, *la Berté* desperately wounded by *Bonquetse*, and *Bouteville* with *Beuuron*, had quitted their Swords, and closing in, were Attempting to handle their Daggers, when on a sudden they parley'd, resolv'd to give one another their Lives, and go part their Friends.

We may be sure the King was Incens'd to the last Degree at this Insolence, and tho' his Majesty was not of a very Constant Temper, yet in this Case he could never be alter'd; *Bouteville* and *des Chapelles* were taken, the rest Escap'd; 'twas in vain to make Intercession for them, the King Ordered their Process before the Parliament, who Condemn'd them both, and they were Publickly Beheaded at the *Grève*.

I may say, without Reflection, the King's Lenity was the Ruin of these Men, and lessened the Value of his Edict, and this is the Cause of telling the Story.

We find the Present King of *France* cur'd this Evil, by taking a Solemn Oath, that he would never Pardon any Man that should be Guilty in this Case.

And as in *England* we often find out Methods to prevent or evade the Sence of a Law, so it was here — The Gentlemen, as if they were fond of killing one another, found out a way to fight without the Formality of a Challenge: for Example; If two Persons agreed to fight, they would Order Matters so as to meet in the Street, and commence some Casual occasion of Quarrel, as a Justle, Treading on one anothers Toes, and the like; upon which a fight would happen, as if it had been all by Casualty, and this was not call'd a Duel, but a *Rencontre*; and this shift prevail'd so, that in Time the first Law would have been rendered ineffectual by it; but to prevent this Encroachment upon the Law, the King caus'd it to be Inserted in his Edict, *Duel or Rencontre*, and thus this Mischief stop'd, as well as the other.

To finish the Design of preventing the Fatal Quarrels of the Gentry, and at the same time the Effect was suppress'd, suppress the Cause, this Court of the Marshals was contriv'd.

In this Court, describ'd as before, due Reparation was made to any Person in case of Per-

Personal Affronts, and some Examples may not be unacceptable to Illustrate the Matter, that the Reader may understand these Papers are not writ with so little Regard to History, as some People imagin.

First, They provide that a Man shall not be Challenged to fight, and this is remarkable in a late Instance, in the Court of the Late King *James*, an *Irish* Captain, in the late King's Troops, and not in Commission from the King of *France*, Quarrell'd with a Major of the same Nation, but who had a *French* Commission; the Quarrel happening in the Major's Chamber, he opens the Window and calls in the People, and securing the Captain, swears a Challenge upon him; the Matter had a long Tryal, but the Major being the King of *France*'s Officer, the Captain was Condemn'd, and died for it.

'Tis true that there happen'd frequent Quarrels, Duels, and Killings among the Subjects of the Late King *James*, which the *French* Court took no Cognizance of, in respect to the King, and their being under his immediate Government: and the Case of the Marquis *de Flamerin* is Remarkable; He had fought a Duel, and Kill'd a Gentleman in *France*, I cannot learn the Name of the Person kill'd, but the Marquis fled for it, came over hither, and liv'd several Years in the Court of *England*, and at the Revolution, entred himself into King *James*'s Service, and went over with him.

One of the First Requests the late King made to the King of *France*, was for this Gentleman's Pardon; His Majesty answer'd, That he look'd upon him as an *Englishman*, and one of his Subjects, and in that Capacity he had nothing to say to him, having resolv'd that all His Majesty of *England*'s Subjects should be under no Jurisdiction but his own; but if he spok'd of him as a Subject of *France*, he had nothing to expect but the utmost Severity.

I cannot but make a small Digression here with Relation to our strange Neglect of these or like Cases in *England*, tho' at the same time it seems we call our selves a Civiliz'd Nation; and as we are giving Instances of Affairs abroad, it may not be

at all improper to observe something here from a certain Case try'd at the Queen's Bench Bar the last Term, between the Queen and one Mr. *Denew* with others: I purpose no Reflections on any Side, let the Truth be a Reflection as the Fact lays it open.

Mr. *D*—— brings a Challenge from Sir *G*—— *R*—— to one Mr. *C*—— which he accepts; the Offence as the Indictment sets forth was, that he had enquir'd after Sir *G*—— *R*—— abruptly, and in an odd Manner, which methinks is but an odd Sort of an Affront for any Gentleman to seek another Man's Life for, or to hazard his own.

But it seems this other Gentleman, with several more who were Indicted with him, espouse the Principal's Quarrel, so much, that after they had challeng'd him for Sir *G*—— *R*—— they also challeng'd him for themselves; and he refusing to fight them all, as well he might, one of them attempts to assassinate him in the Street, the other comes and brings him a Paper of Acknowledgment to Sign, and tells him, he had nothing but the Signing the Paper to save his Life; for that there were Twenty of them would stand by Sir *G*—— and if he would not Sign that Paper, he must go out and fight him for one.

'Tis not the Design of this Paper to enter into the Merits of the Cause, or meddle on either Side; nor is this aspersing any Body, being nothing but what was said and sworn in open Court. But if my Observations are a compleat Satyr on the Deficiencies of our Laws, I cannot help that.

First, If carrying a Challenge had been as Criminal here as in *France*, both he that carry'd it, and he that sent it, would have been brought to the Scaffold or the Halter without more Delay, and all the Trouble and Danger had been sav'd.

Secondly, I observe, 'tis strange to me that our Court of Justice could bear to hear a Man own he carry'd a Challenge, and the other own he agreed to accept it, and appointed the Place; *To the Honour of the King of France, no such Language dare be spoken in his whole Kingdom*; but Mr. *C*—— had been as Criminal there for making an Appointment to fight, as if he had actually fought and kill'd him.

As to the Fact, upon the Tryal, the Persons were found Guilty of assassinating the Gentleman with all the Adverbs of the Indictment, as basely, maliciously, and with Design to shed his Blood, &c. as the Lawyers take Care to set it forth, and what's

the Penalty, One is fin'd 200 Marks; the Other 100 s. what the Sentence of the Court of Honour in France would have been in such a Case, I refer the Reader to judge by some of the Cases in our last and others yet to come.

ADVICE from the Scandalous CLUB.

THE Society has been oblig'd to postpone their usual Business, to defend themselves for some time against the Accusations of some angry Gentlemen; but as they resolve to let the Reputation of their Society depend upon the Merit of their Performance, they have voted to take up no more of their time with their own Case, except where they are very ill us'd, in which the Author answers them in the Words of a Poet, of as much Temper as he can pretend to.

*Nec quisquam noceat Cupido mihi Pacis, at illi
Qui me commovit melius non tangere, Clamo
Flebit, & Insignis tota cantabitur Urbe.*

Horace.

To return therefore to our Business.

An honest Gentleman of a good Town, not far from another good Town in Wiltshire, made a doleful Complaint to the Society by a Letter, that being a Candidate for the Coroner's Place of the County, he came into a Publick House of the Town, to enquire for a Friend, who he was told, was there; and going into a Room where he thought his Friend was, and asking for him, found other Company there than he expected; whereupon he immediately withdrew with the Ceremony of his Hat, and a *beg your Pardon, Gentlemen*.

The Gentlemen express'd no Disgust or Resentment at all; but as this Person went from them up Stairs, to seek above in the House for his Friend, one of them follows him, and reaching his Hand thro' the Ballisters, stab'd him into the Back.

As the Gentleman had lain a long time ill of the Wound, and all People thought he would have dyed, the Complaint was not made sooner, but that Danger being over, he applies himself by a Friend to the Club.

The Society, before they came to any Resolution about the Gentleman, caus'd it to be noted in their Book, how greatly this Nation stands in need of a Court of Honour, for preventing, punishing, and making Reparation in such villainous Cases as these.

As to the Gentleman, they ordered a Letter to be written to him, to tell him he ought to cause Affidavits of the Fact and Circumstances to be made before a Justice of the Peace, and when that was done, they desir'd to hear farther.

But they were strangely surpriz'd, when by Return of the Post, they receiv'd an Account, that it was the Justice of the Peace that had done it; whereupon the whole Story resolv'd into this Epaculation: *How reasonable an Address that was of the House of Lords, relating to the removing some of our Country Justices—— from an Employment they are so unfit for.*

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